

REMARKS

I. REJECTION OF CLAIMS 1, 3, 5, 6, 10, 11, 15, 17, 19, 20, 27, 29, 31, 32, 36, AND 37 UNDER 35 U.S.C. § 102 AS AMENDED IS IMPROPER

The Examiner rejected Claims 1, 3, 5, 6, 10, 11, 15, 17, 19, 20, 27, 29, 31, 32, 36, and 37 under 35 U.S.C. § 102(e) as being anticipated by the '207 Patent to Lee et al. In light of the amended claims, Applicant believes the present rejection is traversed and the patent allowable, because the claimed features cannot be found in the cited art reference. Accordingly, the Applicant believes the Examiner's rejection based on the '207 Lee Patent should be overcome.

The invention as claimed currently selects only small data packets for concatenation and transmission over the backhaul connection between the basestation transceiver subsystem unit and the base station controller unit; those small data payloads having less than approximately 20 bytes. The '207 Lee Patent does not disclose, teach, or suggest the selection of any particular sized packet or transmission of these small packet payloads across the backhaul connection. In fact, the '207 Lee Patent teaches no selection or differentiation of data packets based on small size payloads, and transmitting these small selected packets on a single type of connection.

Because the '207 Lee Patent does not teach, disclose, or suggest selecting data packets with data payloads smaller than approximately 20 bytes for transmission on the backhaul connection, the '207 Lee Patent cannot support a § 102 rejection of these independent claims. Because the dependent claims add limitations that include all the limitations of the base independent claims, the Applicant believes the rejection of Claims 1, 3, 5, 6, 10, 11, 15, 17, 19, 20, 27, 29, 31, 32, 36, and 37 is traversed.

II. REJECTION OF AMENDED CLAIMS 2, 4, 7-9, 12-14, 16, 18, 21, 22, 24-26, 28, 30, 33-35, AND 38-40 UNDER 35 U.S.C. § 103(a) CANNOT BE SUSTAINED

The Examiner rejected dependent Claims 2, 4, 7-9, 16, 18, 21, 22, 28, 30, and 33-35 for obviousness under 35 U.S.C. §103(a) based on the '207 Lee Patent prior art reference in view of the '543 Sauer Patent. Claims 12-14, 24-26, and 38-40 were also rejected under § 103(a) in view of the '207 Lee Patent and the '012 Willkie Patent.

Applicant believes the amendments sufficiently traverse these rejections. Independent Claims 1, 22, and 42 contain limitations distinguishing the invention from the '207 Lee Patent, and these independent claims were not rejected under § 103(a) by the office action. As such, these independent claims are not obvious in light of the cited prior art.

The rejected dependent claims contain all the limitations of these base independent Claims 1, 15, and 27. Because the rejected claims contain all the limitations of the independent claims, none of these cited references can support an obviousness rejection under §103 for the claims depending from Claims 1, 15, and 27. Therefore, it is respectfully suggested that the Examiner's obviousness rejection based upon the cited prior art references is improper.

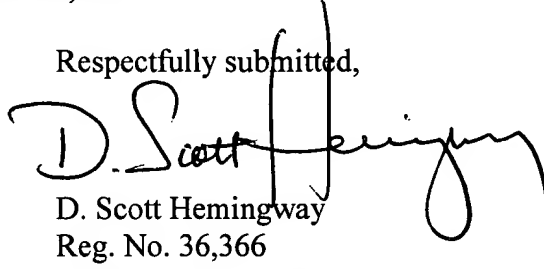
III. CONCLUSION

The Applicants respectfully request reconsideration of the present application because the Examiner's 35 U.S.C. §§ 102(e), and 103(a) rejections are believed to have been traversed by the present Response. Independent claims 1, 15, and 27 as amended

are believed allowable because the cited prior art fails to disclose, teach, or suggest all the claimed elements. Since the dependent claims add further limitations to the allowable independent claims, the Applicants believe the dependent claims are likewise allowable. Accordingly, pending claims 1-40 are believed allowable because the claimed invention is not disclosed, taught, or suggested by the cited prior art.

It is believed that no additional fees are necessary for this filing. If additional fees are required for filing this response, then the appropriate fees should be deducted from D. Scott Hemingway's Deposit Account No. 501,270.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Scott Hemingway", with a large, stylized loop at the end.

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